IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 30065 of 2007(D)

PETITIONER:

C.L.VARGHESE, AGED 38 YEARS,
S/O. LONAPPAN, CHAKKALAKKAL HOUSE,
THANISSERY P.O., MANAPPADY, THRISSUR.

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:
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1. REGIONAL TRANSPORT AUTHORITY,
THRISSUR - REPRESENTED BY ITS SECRETARY.

2. SECRETARY,
REGIONAL TRANSPORT AUTHORITY, THRISSUR-3.

3. ASSISTANT MOTOR VEHICLE INSPECTOR
(AMVI) (RAJAN), SUB REGIONAL TRANSPORT OFFICE,
IRINJALAKUDA, THRISSUR.

ADDL.R4. C.D.GEORGE,
CHEMBAKASSERY HOUSE,
THANISSERY P.O,
IRINJALAKUDA.

(ADDL.R4 IMPLEADED AS PER ORDER IN IA 13864/07 DATED 31.10.07)

BY ADV. SRI.P.RAVINDRAN (SR.)
GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.30065/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER 3.3.07.

EXT.P2: TRUE COPY OF THE JUDGMENT IN WA NO.477/07 DT.23.3.2007.

EXT.P3: TRUE COPY OF THE PROCEEDINGS OF 1ST RESPONDENT SIGNED ON 3.8.07.

EXT.P4: TRUE COPY OF THE PROCEEDINGS IN ORDER NO.C4/2402/07 OF THE 2ND RESPONDENT DT.20.6.07.

EXT.P5: TRUE COPY FO THE JUDGMENT DT.10.8.2007 IN WPC NO.24381/07.

EXT.P6: TRUE COPY OF THE JUDGMENT IN WPC NO.20373/07 DT.24.7.2007

EXT.P7: TRUE COPY OF THE GOVERNMENT NOTIFICATION NO.12951/B1/2001/TRAN DT.9.5.07.

EXT.P8: TRUE COPY FO THE ORDER PASSED BY THE 1ST RESPONDENT DATED 18.8.2007 IN PROCEEDINGS NO.C4/2402/07.

EXT.P9: TRUE COPY OF THE CHECK REPORT DT.29.9.07 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXTS OF R4

EXT.R4(a): TRUE COPY OF THE NOTIFICATION DT.9.5.06.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 30065 OF 2007
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Dated this the 3rd day of December, 2007

J U D G M E N T

Though several contentions are urged in the writ petition, the only point argued before me is for release of the vehicle.

2. The vehicle belonging to the petitioner has been seized on 29/9/07 on the allegation that it was operating without a permit. It is stated that following Ext.P2 judgment rendered by a Division Bench of this court, the RTA had considered the permit application of the petitioner and eventually rejected the application by Ext.P8 dated 18.8.07. It is on the allegation that thereafter also petitioner continued to operate the vehicle, that it was seized on 29/9/07.

3. According to the learned counsel for the petitioner, the petitioner's vehicle is still in police custody and therefore seeks its release. Petitioner submits that the rejection of his application by the RTA by Ext.P8 order is under challenge in an appeal pending before the STAT. According to him in the meanwhile, there is no reason to detain the vehicle exposing the same to sun and rain.

4. I heard the counsel on both sides.

5. In view of the allegation that the vehicle was operating without a permit, the vehicle is liable to be proceeded against in terms of the provisions contained in the Motor Vehicles Act, 1988. Since, as at present there is an offence made out, only if the said offence is compounded, can the vehicle be released. Therefore, it is directed that if the petitioner compounds the offence, the vehicle will be released to him.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp